

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 5059 of 1985

For Approval and Signature:

Hon'ble MADAME JUSTICE R.M.DOSHIT

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

BHASKARRAY C BUTTE

Versus

STATE OF GUJARAT

Appearance:

MR HJ NANAVATI for Petitioner
SERVED for Respondent No. 1
MR JD AJMERA for Respondent No. 3
M/S NJ MEHTA ASSO. for Respondent No. 5

CORAM : MADAME JUSTICE R.M.DOSHIT

Date of decision: 07/08/96

ORAL JUDGEMENT

1. Heard learned advocates. The petitioner was at the relevant time serving as Head Clerk in the respondent No.4 Panchayat. The petitioner feeling aggrieved by appointment of the respondent No.5 as Secretary of the Respondent No.4, panchayat challenged the same before the

District Development Officer, Amreli under the Gujarat Panchayat Services (Discipline & Appeal) Rules, 1964. The said application was allowed by the District Development Officer on 13th August, 1984. The respondent No.5 feeling aggrieved, preferred an Appeal before the Additional Development Commissioner. The said Appeal was later on converted into a Revision Application. The said Revision Application was decided on 31st July, 1985. The Additional Development Commissioner under the Order dated 31st July, 1985 held that in the facts of the case the provisions of the Gujarat Panchayat Services (Discipline & Appeal) Rules, 1964 were not attracted and if at all the petitioner was aggrieved by an action of the Panchayat, the same should have been challenged under Section 290 of the Gujarat Panchayat Act before the District Panchayat. Consequently, the Revision Application was allowed and the order made by the District Development Officer on 14th August, 1984 was set aside. It is this order of the Additional Development Commissioner which is subject matter of challenge in this petition. Learned Advocate Mr. Nanavati appearing for the petitioner states that pending this petition, the petitioner has retired from service in the year 1993. In the circumstances, the petitioner cannot be given the declaration prayed for by him. No fruitful purpose will be served by granting relief in terms of Para 11(A)(ii) either. I, therefore, do not express any opinion on the merits of this petition. The petition is dismissed. Rule is discharged. There shall be no order as to costs.
